**THE HON'BLE MR JUSTICE V.V.S.RAO**

WRIT PETITION NO.5388 of 2006

Dated: 25-07-2006

Between:

Syed Noorul Hasan.

**..... PETITIONER**

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary, Hyderabad, and three others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE V.V.S. RAO**

WRIT PETITION NO.5388 of 2006

ORDER:

The petitioner claims to be successor and legal heir of late Shamsunnisa Begum, who allegedly succeeded land in survey No.83 of Raidurg Pan Maqta Village, Serilingampally Mandal, Ranga Reddy District along with two other legal heirs of late Darab Jung. It is alleged that late Darab Jung was allegedly issued Muntakab No.3232 granting the said land. Be that as it is the successors and legal heirs of petitioner's mother, late Shamsunnisa Begum, partitioned the property under a family settlement deed dated 02-09-2005, whereunder an extent of Acs.14.00 fell to the share of petitioner. The petitioner approached the fourth respondent seeking grant of mutation in respect of land comprised in survey No.83 (part). By order dated 28-01-2006, the Mandal Revenue Officer, fourth respondent herein, rejected the application holding that the petitioner and others failed to produce the connected documents showing their title over the land and that the entire Raidurg Pan Maqta Village is escheated to the Government. The petitioner then approached the second respondent for redressal, in vain. This writ petition is filed seeking a direction to the second respondent to dispose of the said representation.

Initially the petitioner rightly approached the fourth respondent, who is the Recording Authority as per the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971(the Act, for brevity). After conducting enquiry, the request of the petitioner for grant of mutation was rejected as noticed hereinabove by order (memo) dated 28-01-2006. If the petitioner is really aggrieved by such order (memo), a remedy lies in approaching the Revenue Divisional Officer, who is constituted as an Appellate Authority under the Act. Making an application to the second respondent is not at all contemplated under the provisions of the Act. Therefore, this Court is not inclined to direct the second respondent to take up the exercise under the provisions of the Act, under which he is not competent to do so. Even if the second respondent has passed orders, the same must be held as without jurisdiction.

The writ petition is, therefore, dismissed. No costs.

**V.V.S.RAO, J**

25th July 2006
ghn